

**REMARKS**

Applicant's request that the Examiner acknowledge receipt of the priority documents filed May 6, 2002.

Claims 3, 4, 6, 7, 14, 15 and 18 have been rejected under 35 USC 112, second paragraph. The claims have been amended accordingly. Claim 18, however, appears to properly recite the "connected downstream" limitation.

Claims 1, 2, 5 and 8-21 have been rejected under 35 USC 102(e) as anticipated by Sand. The rejection is respectfully traversed.

Sand discloses a process and an arrangement for measuring the transmission quality in Voice over IP (VoIP) telephone connections. Sand, column 5, line 55 to column 6, line 28 discloses a process in which "voice grade performance parameters including speech level, noise, echo and echo path delay" can be determined. "Internet protocol voice datagrams" are collected (cf. column 5, line 57) and processed. The processing comprises, among other things: the reading out and storing of "IP source and destination address information and timestamp" (cf. column 5, lines 63, 64), using the RTP frame header information (column 5, lines 66, 67), processing data in the DSP 50 (DSP = digital signal processor, cf. column 6, lines 16, 17), converting the compressed speech data to a format specified for INMD processing (cf. column 6, lines 19, 20). Hence, in Sand, a very complex process is used in which "Internet protocol voice datagrams" are collected and processed in a complicated multi-step process in order to determine the "voice grade performance parameters."

In the claimed invention, on the other hand, (see, for example, claims 1, 14, and 15) the first number ("first number of RTP speech packets in direction of the second VoIP endpoint") and the second number ("second number of RTP speech packets in direction of the first VoIP endpoint") are determined. Hence, the first number and the second number are determined, that is, it is determined how many "RTP speech packets" are transmitted in the direction of the second VoIP endpoint and how many "RTP speech packets" are transmitted in the direction of the first VoIP

endpoint. Thereafter the “value representing the transmission quality” is determined with the aid of the first number and the second number by means of arithmetic processing. This is not disclosed in Sand.

Additionally, Sand fails to disclose the following features. With respect to claims 1 and 14-16, Sand fails to disclose “detecting...and arithmetically processing the first and second numbers ....” Sand discloses collection and processing in the “IP telephony measurement device 32” and in the unit INMD “Internet protocol voice datagrams”. A determination of the number of RTP speech packets (that is, counting these speech packets and further arithmetic processing of the result of the count (first number, second number)) is not disclosed from Sand. Referring to claim 14, Sand fails to also disclose “routing the connection between the first and second VoIP endpoints based on the value.” In Sand, column 5, lines 1 to 10, routing is not described. Rather, it is assumed that the “all IP telephony connection” already exists.

Claim 17 has been rejected under 35 USC 103(a) as unpatentable over Sand. The rejection is respectfully traversed for the same reasons presented in the arguments above.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122022100.

However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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